

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 7242**

**BILL NUMBER:** HB 1390

**NOTE PREPARED:** Jan 7, 2004

**BILL AMENDED:**

**SUBJECT:** Railroad Employees Injured on the Job.

**FIRST AUTHOR:** Rep. Aguilera

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** The bill makes it a Class C felony for an individual employed by a railroad to:

- (1) deny certain medical treatment; or
- (2) discipline or threaten discipline; when another railroad employee is injured on the job.

It makes it a Class A infraction for a railroad company to commit the same offense or employ an employee who commits the offense.

**Effective Date:** July 1, 2004.

**Explanation of State Expenditures:** There are no data available to indicate how many offenders may be convicted of the Class C felony for knowingly, intentionally, or recklessly denying, delaying or interfering with medical or first aid treatment for a railroad employee or disciplining or threatening to discipline a railroad employee for requesting medical or first aid treatment, nor are there data available to indicate how many railroad companies may be found guilty of the Class A infractions.

A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$26,825 in FY 2002. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years.

**Explanation of State Revenues:** If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class C felony

or a Class A infraction is \$10,000. Criminal fines are deposited in the Common School Fund, and infraction judgements are deposited in the state General Fund.

For the Class C felony, if the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

For the Class A infraction, if court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

**Explanation of Local Expenditures:** If more defendants are detained in county jails prior to their court hearings for the Class C felony, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

**Explanation of Local Revenues:** If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 (Class C felony) or \$70 (Class A infraction) court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Department of Correction.

**Fiscal Analyst:** Karen Firestone, 317-234-2106.